

Stuart Hene

From: Jimmy Negem <jimmy@negemlaw.com>
Sent: Tuesday, August 7, 2018 4:04 PM
To: Stuart Hene
Cc: Keith Starr; Melissa Wallace
Subject: Re: Foster v. KLTV

Thanks Stuart Cannot agree to an examination I do not believe this is the type of case that it's appropriate

Sent from my iPhone
Jimmy M Negem
1828 E.S.E Loop 323
Suite R 1 A
Tyler Texas 75701
(903) 5954466-off
(903) 2627366-cell

> On Aug 7, 2018, at 10:05 PM, Stuart Hene <stuart@sscfirm.com> wrote:
>
> Jimmy,
>
> I was able to speak with Dr. Proctor today as he has been out of the office lately. Dr. Proctor can get access to these testing records, so you do not have to provide the unredacted copies.
>
> In order to complete his report and opinions, Dr. Proctor would like to see Plaintiff. Will you provide me dates Plaintiff can be available for an evaluation by Dr. Proctor. Additionally, since we just received Dr. Andrews's records, and in order to afford Dr. Proctor sufficient time to properly evaluate Plaintiff after his review of Dr. Andrews's records, will you agree to an extension of Defendant's expert designation deadline? Once we confirm the appointment for Plaintiff, we can finalize a new expert designation deadline if that will be agreeable with you.
>
> Thank you Jimmy.
>
> Sincerely,
>
> Stuart R. Hene
> Starr Schoenbrun & Comte PLLC
> 110 N. College Ave., Ste 1700
> Tyler, Texas 75702
> 903-534-0200 (office)
> 903-534-0511 (fax)
> stuart@sscfirm.com
>
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>

> -----Original Message-----

> From: Jimmy Negem <jimmy@negemlaw.com>

> Sent: Tuesday, August 7, 2018 11:15 AM

> To: Stuart Hene <stuart@sscfirm.com>

> Cc: Keith Starr <keith@sscfirm.com>; Melissa Wallace

> <melissa@sscfirm.com>

> Subject: Re: Foster v. KLTV

>

> Doesn't your expert have the actual questions if so everything would
> be complete

>

> Sent from my iPhone

> Jimmy M Negem

> 1828 E.S.E Loop 323

> Suite R 1 A

> Tyler Texas 75701

> (903) 5954466-off

> (903) 2627366-cell

>

>

>> On Aug 7, 2018, at 3:59 PM, Stuart Hene <stuart@sscfirm.com> wrote:

>>

>> Jimmy,

>>

>> Here are the docs we received.

>>

>> Stuart R. Hene

>> Starr Schoenbrun & Comte PLLC

>> 110 N. College Ave., Ste 1700

>> Tyler, Texas 75702

>> 903-534-0200 (office)

>> 903-534-0511 (fax)

>> stuart@sscfirm.com

>>

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>>

>> -----Original Message-----

>> From: Jimmy Negem <jimmy@negemlaw.com>

>> Sent: Tuesday, August 7, 2018 2:02 AM

>> To: Stuart Hene <stuart@sscfirm.com>

>> Cc: Keith Starr <keith@sscfirm.com>; Melissa Wallace

>> <melissa@sscfirm.com>

>> Subject: Re: Foster v. KLTV

>>

>> Email all docs produced let me look at them and maybe we can work it

>> out

>>

>> Sent from my iPhone

>> Jimmy M Negem

>> 1828 E.S.E Loop 323

>> Suite R 1 A

>> Tyler Texas 75701

>> (903) 5954466-off

>> (903) 2627366-cell

>>

>>

>>> On Aug 6, 2018, at 10:21 PM, Stuart Hene <stuart@sscfirm.com> wrote:

>>>

>>> Jimmy,

>>>

>>> I know you are still in Italy, so no need responding until you return.

>>>

>>> As I have stated previously, I believe the redacted records are discoverable, and relevant to the underlying issues in this case. Although you stated the records are only available and discoverable by another psychologists, I believe the authority provides otherwise.

>>>

>>> According to the Texas Administrative Code, Title 22, Section 465.22(c)(5) "test data are part of a patient's records and must be released to the patient as part of the patient's records. In the event the test data are commingled with test materials, licensees may inquire whether the patient will accept a summary or narrative of the test data in lieu of having to either redact the test materials or extract the test data from test materials in order to comply with the request for records."

>>>

>>> We are not looking for all of the testing materials, but if Dr. Andrews feels that he must obtain the publisher's permission to release the few test questions that were redacted, please afford him the opportunity to do so. Since we are not requesting all of Dr. Andrews's test materials, but only the portions that were redacted, I believe Dr. Andrews is able to extract this information/data from the test materials.

>>>

>>> Have fun in Italy, and lets discuss this issue when you return.

>>>

>>> Sincerely,

>>>

>>> Stuart R. Hene

>>> Starr Schoenbrun & Comte PLLC

>>> 110 N. College Ave., Ste 1700

>>> Tyler, Texas 75702

>>> 903-534-0200 (office)

>>> 903-534-0511 (fax)

>>> stuart@sscfirm.com

>>>

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>>>

>>> -----Original Message-----

>>> From: Jimmy Negem <jimmy@negemlaw.com>

>>> Sent: Friday, August 3, 2018 6:53 AM

>>> To: Stuart Hene <stuart@sscfirm.com>

>>> Cc: Keith Starr <keith@sscfirm.com>; Melissa Wallace

>>> <melissa@sscfirm.com>

>>> Subject: Re: Foster v. KLTV

>>>

>>> Get me contact info please

>>>

>>> Sent from my iPhone

>>> Jimmy M Negem

>>> 1828 E.S.E Loop 323

>>> Suite R 1 A

>>> Tyler Texas 75701

>>> (903) 5954466-off

>>> (903) 2627366-cell

>>>

>>>

>>>> On Aug 2, 2018, at 11:25 PM, Stuart Hene <stuart@sscfirm.com> wrote:

>>>>

>>>> Until we can get this issue sorted out, go ahead and send the records to our psych. His name is Dr. Tim Proctor. His email address is tproctor@priceproctor.com.

>>>>

>>>> Enjoy Italy!

>>>>

>>>> Stuart R. Hene

>>>> Starr Schoenbrun & Comte PLLC

>>>> 110 N. College Ave., Ste 1700

>>>> Tyler, Texas 75702

>>>> 903-534-0200 (office)

>>>> 903-534-0511 (fax)

>>>> stuart@sscfirm.com

>>>>

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>>>>

>>>> -----Original Message-----

>>>> From: Jimmy Negem <jimmy@negemlaw.com>

>>>> Sent: Thursday, August 2, 2018 3:00 PM

>>>> To: Stuart Hene <stuart@sscfirm.com>

>>>> Cc: Keith Starr <keith@sscfirm.com>; Melissa Wallace

>>>> <melissa@sscfirm.com>

>>>> Subject: Re: Foster v. KLTV

>>>>

>>>> Stuart I am in Italy for the next 2 weeks - I believe the law only

>>>> allows its transfer from 1 psych to another unless you have other

>>>> authority Will be more than happy to send to your retainer psych

>>>>

>>>> Sent from my iPhone

>>>> Jimmy M Negem

>>>> 1828 E.S.E Loop 323

>>>> Suite R 1 A

>>>> Tyler Texas 75701

>>>> (903) 5954466-off

>>>> (903) 2627366-cell

>>>>

>>>>

>>>>> On Aug 2, 2018, at 9:55 PM, Stuart Hene <stuart@sscfirm.com> wrote:

>>>>>

>>>>> Jimmy,

>>>>>

>>>>> I believe this information is still relevant, and discoverable, for this case. Additionally, after you provide this information to our expert, he would then need to provide this information to our office. I fail to see where we are not allowed to view this information for this particular type of case (allegations alleged and damages claimed). If you feel otherwise, and believe we need a hearing on this matter, please let me know.

>>>>>

>>>>> Sincerely,

>>>>>

>>>>> Stuart R. Hene

>>>>> Starr Schoenbrun & Comte PLLC

>>>>> 110 N. College Ave., Ste 1700

>>>>> Tyler, Texas 75702

>>>>> 903-534-0200 (office)

>>>>> 903-534-0511 (fax)

>>>>> stuart@sscfirm.com

>>>>>

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>>>>>

>>>>> -----Original Message-----

>>>>> From: Jimmy Negem <jimmy@negemlaw.com>

>>>>> Sent: Thursday, August 2, 2018 11:02 AM

>>>>> To: Stuart Hene <stuart@sscfirm.com>

>>>>> Cc: Keith Starr <keith@sscfirm.com>; Melissa Wallace

>>>>> <melissa@sscfirm.com>

>>>>> Subject: Re: Foster v. KLTV

>>>>>

>>>>> I think that can only be sent from One professional (psychologist)

>>>>> to another if I am not mistaken do you have one you want it sent

>>>>> to

>>>>>

>>>>> Sent from my iPhone

>>>>> Jimmy M Negem

>>>>> 1828 E.S.E Loop 323

>>>>> Suite R 1 A

>>>>> Tyler Texas 75701

>>>>> (903) 5954466-off

>>>>> (903) 2627366-cell

>>>>>

>>>>>

>>>>> On Aug 2, 2018, at 12:07 AM, Stuart Hene <stuart@sscfirm.com> wrote:

>>>>>

>>>>> Jimmy,

>>>>>

>>>>> In reviewing Dr. Andrews's medical records, I noticed some of the test questions were blacked out/redacted. Please provide me with unredacted and complete records. Additionally, pursuant to a note indicated in his file, Dr. Andrews did not produce any test data in accordance with your instructions. Please provide me with the test data as well. Both of these requests are relevant to the issues in this matter, and are discoverable.

>>>>>

>>>>> Sincerely,

>>>>>

>>>>> Stuart R. Hene

>>>>> Starr Schoenbrun & Comte PLLC

>>>>> 110 N. College Ave., Ste 1700

>>>>> Tyler, Texas 75702

>>>>> 903-534-0200 (office)

>>>>> 903-534-0511 (fax)

>>>>> stuart@sscfirm.com<mailto:stuart@sscfirm.com>

>>>>>

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>>>>>

>>>>> <Paul Andrews, Ph. D. - Medical 183918.pdf>

>> <Paul Andrews, Ph. D. - Medical 183918.pdf>